

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

Taylor Corp: Pre Paid Cash Cards Unlimited)
Authors and Owners of Registered Copyright)
John D. Taylor and son Steve K. Taylor)
Pro se Plaintiffs,)
v.)
MASTERCARD INTERNATIONAL) C.A. No. 7-06CV-123-R
INCORPORATED *et al.*,)
Defendants,)

**PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS
AGAINST THE DEFENDANTS PURSUANT TO RULE 12**

I

1. (a) When Presented.

(1) Unless a different time is prescribed in a statute of the United States, a defendant shall serve an answer.

(a) Plaintiffs state, wherefore, as of yet, no defendant has responded to the plaintiffs summons to the court. And the defendants have not yet given Service of a motion to the Court nor have the plaintiffs received service of a motion from the defendants and now defendants have become untimely.

(A) within 20 days after being served with the summons and complaint, or

(1) Pursuant to the Summons served, the summons plainly states by the Court that an answer to the complaint which is here with served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service. Page 1.

(2) Whereas, pursuant to the summons served July 26, 2006 upon the defendants that have not responded to the summons timely, that default judgment be taken against non-responding defendants for the relief in the plaintiff's complaint. C.A. No. 7-06CV-123-R

II **Plaintiff's Memorandum In Support and Conclusion**

1. Pursuant to Rule 16.3 Parties in a civil action must make good faith efforts to settle. Settlements negotiations must begin at the earliest possible time, well in advance of any pre trial conference.

(a) MasterCard & Visa and many other defendants have refused the good faith efforts required pursuant to Rule 16.3. and have not joined. And defendants being untimely to Plaintiffs Summons of the Court. Leaving the plaintiffs no other course but to file for the relief provided for in plaintiffs Summons of the Court, in the plaintiffs complaint.

III. **[Proposed Order Granting] The Relief Ask For, In The Plaintiffs Complaint, Of The Court Summons dated July 26,2006 Of The Plaintiffs FOR FAILURE TO RESPOND TO PLAINTIFFS SUMMONS (BY THE UNTIMELY NON-RESPONDING DEFENDANTS)**

This Court having considered Plaintiffs, Taylor Corp. Pre Paid Cash Cards Unlimited, Authors and Owners John D. Taylor and son Steve K. Taylor's motion to the Courts, Pursuant to Fed. R. Civ. P. Rule 12 (a) (1) & (A), and Rule LR 16.3 Against MasterCard *et al.*, hereby GRANTS the plaintiffs motions and ORDERS as Follows:

1. The Plaintiffs served summons upon the defendants exclusive of the 20 day of service. Defendants are untimely. Plaintiffs' claim for Judgment by default, for the relief demanded in the Plaintiffs complaint, shall be GRANTED
2. Plaintiffs ask for permission of the Court to proceed with this case be GRANTED
3. Taylor Corp. Pre Paid Cash Cards Unlimited be awarded its reasonable attorney's fees and expenses. And the relief plaintiffs ask for, of plaintiffs complaint C.A. No. 7-06CV-123-R , be GRANTED and such other relief as the Court see as fair and just.

IT IS SO ORDERED.

This ___, of ___, 2006

Honorable Judge Jerry Buchmeyer
Senior District Judge
United States District Court
For The Northern District of Texas

[Proposed] ORDER GRANTING, TAYLOR CORP. PRE PAID CASH CARDS UNLIMITED MOTIONS FOR JUDGMENT ON
THE PLEADINGS.

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Certificate Of Service

Plaintiffs certify that this is a true and correct copy of motions made to the Court. Two copies, the original and one copy. One copy for the Defendants August, 15, 2006.

John W. Taylor

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